

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DENZEL D. JOHNSON, : Civil No. 3:24-cv-1884

Plaintiff : (Judge Mariani)

v.

HEAD OF CORRECTIONS :
DEPARTMENT, J. RIVELLO, JARED :
SUNDERLAND, :

Defendants :

ORDER

AND NOW, this 11th day of December, 2024, upon preliminary consideration of Plaintiff's complaint (Doc. 1), and in accordance with the Memorandum of the same date, IT

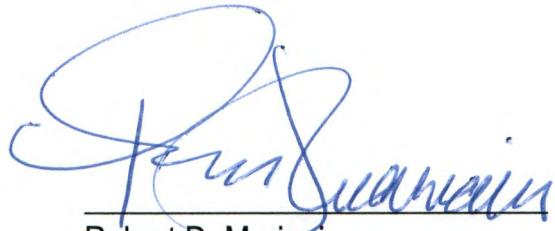
IS HEREBY ORDERED THAT:

1. The application to proceed *in forma pauperis* is **GRANTED**. (Doc. 3).
2. Plaintiff shall pay the full filing fee of \$350.00, based on the financial information provided in the application to proceed *in forma pauperis*. The full filing fee shall be paid regardless of the outcome of the litigation.
3. Pursuant to 28 U.S.C. § 1915(b)(1) and (2), the Superintendent/Warden, or other appropriate official at Plaintiff's place of confinement is directed to deduct an initial partial filing fee of 20% of the greater of:
 - a. The average monthly deposits in the inmate's prison account for the past six months, or
 - b. The average monthly balance in the inmate's prison account for the past six months.

The initial partial filing fee shall be forwarded to the Clerk of the United States District Court for the Middle District of Pennsylvania, P.O. Box 1148, Scranton, Pennsylvania, 18501-1148, to be credited to the above-captioned docket number. In each succeeding month, when the amount in Plaintiff's inmate trust fund account exceeds \$10.00, the Superintendent/Warden, or other appropriate official, shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Plaintiff's inmate trust fund account until the fees are paid. Each payment shall reference the above-captioned docket number.

4. The Clerk of Court is directed to **SEND** a copy of this Order to the Superintendent/Warden of the institution wherein Plaintiff is presently confined.
5. The first claim of the complaint is **DISMISSED** with prejudice as barred by the statute of limitations.
6. The second claim of the complaint is **DISMISSED** without prejudice and with leave to amend. Plaintiff shall **FILE** a proposed amended complaint on or before December 24, 2024, that fully complies with Rules 8 and 20 of the Federal Rules of Civil Procedure.
7. The proposed amended complaint shall contain the same case number that is already assigned to this action, 3:24-cv-1884, and shall be direct, concise, and shall stand-alone without reference to any other document filed in this matter. See FED. R. CIV. P. 8(e).
8. Plaintiff is strictly cautioned that the inclusion of separate, unrelated claims and parties will be considered a failure to comply with an Order of Court. See FED. R. CIV. P. 20.
9. Failure to timely file a proposed amended complaint will result in dismissal of this action without further notice of Court.

10. Any appeal from this Order is **DEEMED** frivolous and not taken in good faith. See 28 U.S.C. 1915(a)(3).



Robert D. Mariani
United States District Judge